

# State Bar of California, Office of Governmental Affairs

## *The Sacramento Scene*

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### LEGISLATURE LEAVES FOR SPRING RECESS

The Legislature left Thursday for its annual Spring Recess. Both houses will return one week from Monday (on April 21), to resume consideration of bills and budgetary matters.

Upon return, the Legislature's policy committees will have two weeks (until Friday, May 2) to hear and report fiscal bills to fiscal committee, and another week after that (until Friday, May 9), to hear and report non-fiscal bills to the floors of their respective houses.

Due to the Legislative recess, the *Sacramento Scene* will not publish next Friday, April 18.

### UPL BILL ZIPS THROUGH POLICY COMMITTEE

Senator [Gloria Romero's SB 337](#), which would delay the running of the statute of limitations on the Unauthorized Practice of Law until the offense has been discovered, or reasonably could have been discovered, was approved by the Senate Public Safety Committee Wednesday on a 6-0 vote.

The bill is the latest in a series of anti-UPL measures by Romero. In 2000 she authored [AB 1858](#), which imposed stiffer advertising requirements on immigration consultants and authorized civil penalties for the unauthorized practice of law. In 2001, [SB 1194](#) allowed specified law enforcement officers to seek civil damages against persons who use the unauthorized practice of law to prey on others. And in 2002 Romero's [SB 1459](#) raised the penalty for UPL, with the presumption of jail time for repeat offenders.

### AG's "DO NOT CALL" LIST TREMENDOUS EARLY SUCCESS

One week after state officials began taking [pre-registrations](#) for the national do-not-call program, nearly 1 million Californians have logged on to protect their phones from telemarketers. Attorney General [Bill Lockyer](#) said that his office has handled, via the Internet, around 14,000 new sign-ups an hour, statewide.

California enacted legislation to establish its own "Do Not Call" program in 2001 through [SB 771](#) by Senator [Liz Figueroa](#), chair of the Business and Professions Committee, but deferred its

implementation through 2002 legislation ([SB 1560](#) – [Figueroa](#)) out of concerns that a federal program would make the California program duplicative and a waste of resources.

The national program will not be active until October, but the early popularity of the AG's pre-registration program suggests that it will be a huge success with perhaps millions of people hoping to free themselves from phone solicitations.

### §17200 DEVELOPMENTS

There were several more developments this week involving the Trevor Law Group, whose suits against thousands of mostly minority-owned businesses under the state's Unfair Competition Law (B&P Code §17200 *et seq.*) have been partially responsible for the introduction of 11 bills, a responsive suit by the Attorney General, and [disciplinary action](#) by the State Bar.

Last Friday, the Trevor Law Group filed a SLAPP suit (Strategic Lawsuit Against Public Participation) against Attorney General Bill Lockyer, alleging that the AG's suit ([BC290989](#)) in LA Superior Court accusing the firm of violating the state's Unfair Competition Law is intended to stifle their freedom of speech.

The AG's suit, filed Feb. 26, claims the Trevor lawyers violated the UCL by using that same statute to sue more than 3,000 auto repair shops, restaurants and grocery stores for minor violations of state law, then demanding quick cash settlements to drop the actions in what it calls a legal "shakedown."

On Tuesday, as reported in the [L.A. Times](#) and [Metropolitan News-Enterprise](#), the Trevor Law Group dropped its suit against over 1,000 restaurants ([Consumer Enforcement Watch v. Blue Banana et al.](#)), most in the Los Angeles area, after a judge issued a preliminary ruling indicating that he would dismiss the suits.

On Thursday, Los Angeles District Attorney Steve Cooley said that his office is not considering criminal charges against the Trevor Law Group, which has been accused by the attorney general's office of abusing the state's unfair-competition law, and is under investigation by the State Bar. Cooley is quoted as saying "this is the kind of professional misconduct that is best dealt with by the State Bar in any proceedings they undertake."